



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

May 6, 1991
AO-91-04

Ms. Candace Pierce-Lavin
Assistant Director of Public Education
Massachusetts Division, Inc.
American Cancer Society
247 Commonwealth Avenue
Boston, MA 02108

Dear Ms. Pierce-Lavin:

I am writing in response to your February 25, 1991 letter requesting an advisory opinion.

You have stated that the Massachusetts Division of the American Cancer Society is currently in the process of assessing whether it will pursue a 1992 initiative petition campaign. You have received approval of a majority of your Unit Board of Directors and are currently attempting to build a coalition. If you are successful in building a coalition, your next step will be a public opinion poll which will be the final step before beginning to organize your campaign.

You have asked for this Office's opinion regarding the point in time when your organization's activities would be subject to M.G.L. c.55.

This office has issued two interpretive bulletins which answer and provide guidelines concerning the questions you have asked. See Interpretative Bulletins OCPF-IB-105 and OCPF-IB-108, copies of which are enclosed for your information. As set forth in OCPF-IB-108, this Office has determined that

[A]ny expenditures or contributions made to originate an initiative petition . . . shall be considered to have been made in order to influence or affect a question submitted to the voters. The act of origination in each instance shall be considered as the first step necessary to commence

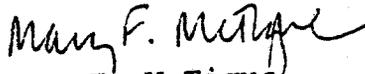
the process. For example, with an initiative petition, such first step is the drawing up and signing by ten qualified voters of an original petition.

Therefore, your organization is not expending monies subject to M.G.L. c.55 until your organization begins to solicit or expend monies in order to hire an attorney or other person or persons to draft the initiative petition and obtain the signatures of ten qualified voters. As soon as your organization begins to solicit monies for the above referenced purpose, however, it must register as a political committee with this office. If only incidental expenditures are made, your organization would not have to register as a political committee but would still have disclosure and reporting requirements with this office. These requirements are outlined in the enclosed interpretive bulletins.

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office if you should have any additional questions.

Very truly yours,


Mary F. McTigue
Director